



# BUREAU OF CONSULAR AFFAIRS

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## Visa Refusals and Waivers

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# OVERVIEW



- The Visa Denial Process
- Reasons for Visa Denials
- Nonimmigrant Visa Waivers
- Immigrant and Fiancé(e) Visa Waivers
- I-601A Provisional Waivers
- Contacting Us





# Our Mission



**To protect America's borders, while  
facilitating legitimate travel to the  
United States.**



# The Visa Denial Process



- Only a consular officer can find a visa applicant ineligible for a visa
- Applicants told reason for denial orally and in writing immediately
  - no one left not knowing
- Denials reviewed by supervisory officer
- No visa denial appeal process – Consular Officers have sole authority by law
- The Visa Office in DC reviews advisory opinions only regarding interpretation of law, not facts



# Reasons for Visa Denials



NIV    IV

## Category One Refusals - Serious

- National Security, Criminal, Contagious Disease      x      x

## Category Two Refusals - Less serious

- Most common: Section 214(b)      x      N/A
- Frequent: 221(g) denial      x      x

# Criminal and Security Reasons



- **2A1:** Convicted of a Crime Involving Moral Turpitude
- **2A2:** Convicted of a Drug Violation
- **2C:** Drug Trafficking\*
- **3A2:** Unlawful Activity\*\*
- **3B:** Terrorism\*

\*No waiver available for immigrant visa applicants

\*\*Applies only to current circumstances



# Immigration Reasons



- **6C1:** Fraud and Misrepresentation
- **6C2:** False Claim to U.S. Citizenship\*
- **6E:** Alien Smuggling
- **9A1 or 9A2:** Certain Individuals Previously Removed\*\*
- **9B1 or 9B2:** Unlawful Presence in the United States
- **9C:** Unlawfully Present after Previous Immigration Violations\*

\*No waiver available for immigrant visa applicants

\*\*For immigrants, may file I-212 with DHS for permission to reapply for entry





# Other Reasons for Denial



- **1A: Health-Related Grounds (Confirmed by Physician)\***
  - Has a communicable disease of public health significance
  - Has a disorder threatening the welfare of the person or others
- **4: Public Charge to U.S. Government**
  - Lack adequate financial support
  - Generally applied to immigrants or individuals seeking medical treatment
- **5a: Unqualified or Uncertified Workers\*\***
  - Certain nonimmigrant workers
  - Diversity Visa applicants who do not meet the program's requirements such as having a secondary-level education

\*No waiver for immigrant drug abusers, addicts

\*\*No waiver for immigrants, not applicable to nonimmigrants





# Common Reasons



- **214b:** Intending Immigrant
  - Insufficient ties abroad; and/or
  - Intention not to comply with rules of visa category
  
- **221g:** Failure to Establish Visa Eligibility
  - Additional documentation required
  - Administrative processing necessary

# 221(g) “Administrative Processing”



- “Administrative Processing” is the term we use to encompass any further review of a case beyond the interview; it may include confirmation of the petition, clarification of legalities, or any number of other questions a consular officer must resolve before a visa can be issued
- This processing is unique to the circumstances of each application; therefore, it is impossible for us to give a time frame for administrative processing to be completed on any application
- In some cases, “Administrative Processing” refers to required interagency security checks that must be done for a given visa applicant; when required, consular officers have no authority to waive or expedite this process even if it inconveniences or delays a visa applicant’s travel

# Nonimmigrant Visa Waivers



- Only the Department of Homeland Security (DHS) has the authority to approve or deny a waiver
- Applicant must be otherwise eligible for the visa, including under Section 214(b)
- Consular Officer must inform the applicant of waiver availability
- Consular Officer must recommend the waiver and transmit the request electronically to DHS; a Consular Officer's decision not to recommend a waiver requires Department concurrence
- If DHS approves, Consular Officer will issue a visa for the period authorized by DHS.

# Immigrant and Fiancé(e) Visa Waivers



- Only the Department of Homeland Security (DHS) has the authority to approve or deny a waiver
- Consular officer will inform applicant if a waiver is available; Not all INA 212(a) ineligibilities can be waived for immigrants
- The applicant submits the Form I-601 waiver application directly to DHS and must demonstrate that a U.S. citizen or lawful permanent resident spouse or parent would endure extreme hardship
- DHS informs post of its decision and consular officer issues visa to applicants approved for waiver



# I-601A Provisional Waivers



- On March 4, DHS will begin accepting Form I-601A provisional waiver applications for spouses, children, and parents of U.S. citizens unlawfully present in the United States who have pending immigrant visa cases
- To be eligible, applicant must have no other visa ineligibilities and have a U.S. citizen spouse or parent who would endure extreme hardship
- Once DHS approves I-601A, it will inform the State Department and we will schedule the visa appointment
- Applicant leaves the U.S. for visa appointment; post processes case more quickly than under the existing I-601 process

# Where to Find Information



**Our websites - <http://travel.state.gov>**

## **Inquiries from Congressional Staff :**

- Congressional Inquiries: (202) 663-1516, [visanet@state.gov](mailto:visanet@state.gov)
- National Visa Center: (603) 334-0828, [nvccongressional@state.gov](mailto:nvccongressional@state.gov)
- For complicated cases: [hill-liaison@state.gov](mailto:hill-liaison@state.gov)

## **Inquiries from the Public:**

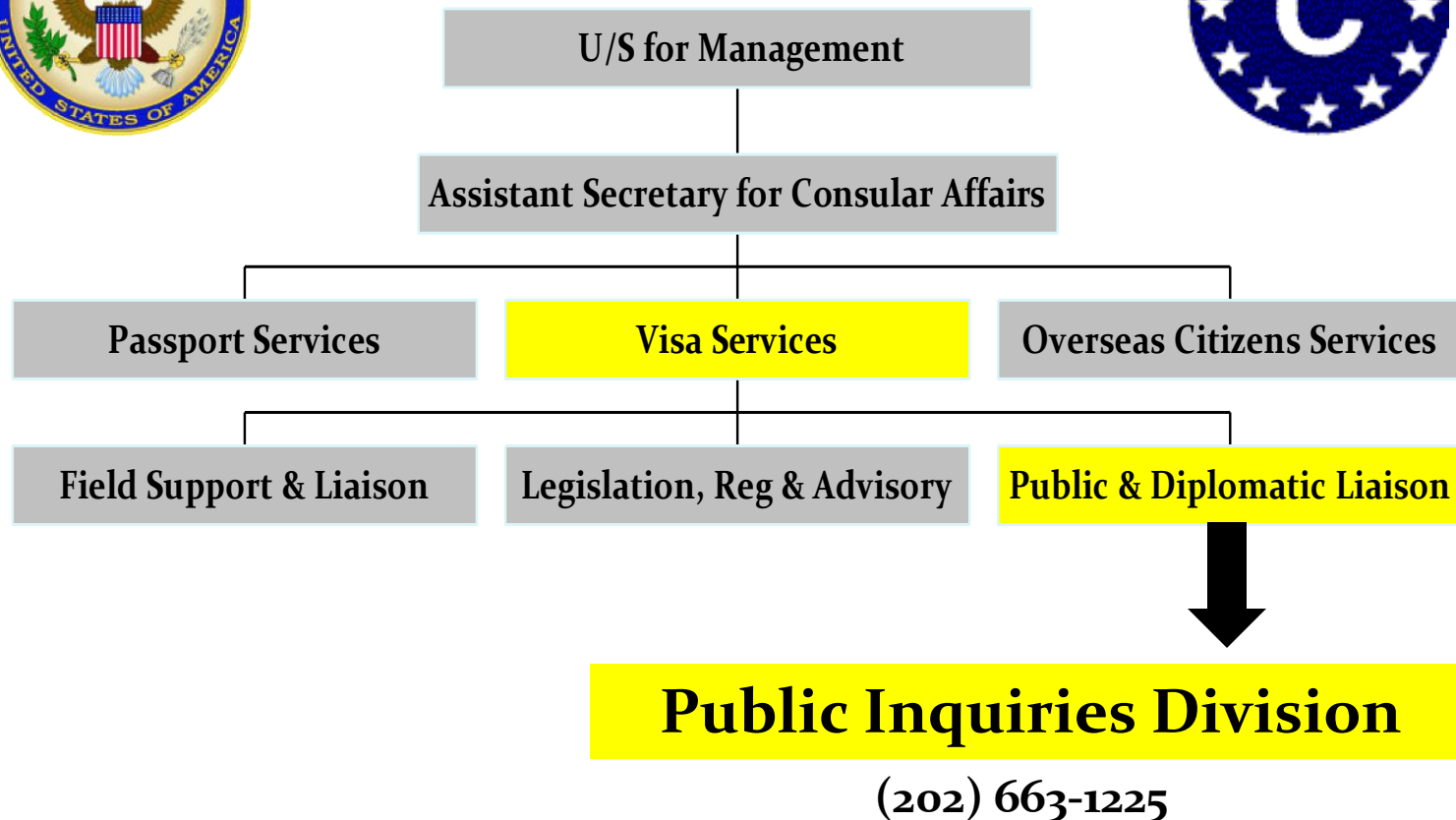
- Public Inquiries: (202) 663-1225
- National Visa Center: (603) 334-0700

**Other websites: (USCIS) <http://uscis.gov> , (CBP) <http://cbp.gov>)**

# Contacting the Visa Office

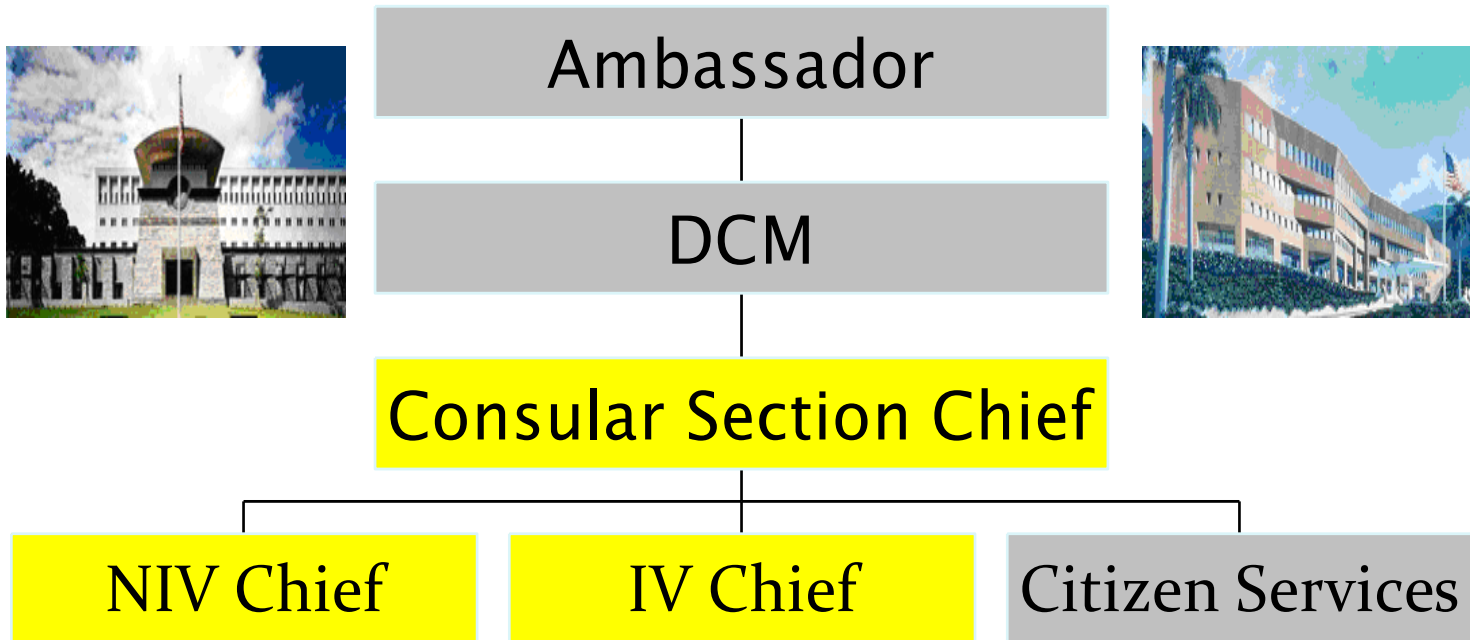


## Bureau of Consular Affairs





# Contacting Post



One point of contact is the U.S. embassy or consulate where the applicant applied

(<http://travel.state.gov/congress>)



# Additional Assistance



## Expedited Interview Appointments

- Check the website for the embassy or consulate where the applicant will apply (<http://www.usembassy.gov>)

## Business Travelers (applying for B Visitor Visas)

- Companies in the United States:
  - Business Visa Center - (202) 663-3198, [businessvisa@state.gov](mailto:businessvisa@state.gov)
- Companies overseas:
  - U.S. Embassy/Consulate Business Facilitation Programs

## Students and Exchange Visitors

- Student/Exchange Visitor Visa Center :
  - [fmjvisas@state.gov](mailto:fmjvisas@state.gov)



# Constituent Services Resource

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- **SENATE Liaison Office:**     **Tim Ponce**  
   **Russell SR-189**  
   **(202) 228-1605**  
   **Hill-Liaison@state.gov**
  
- **HOUSE Liaison Office:**     **Paul Schultz**  
   **Rayburn, Rm. B-330**  
   **(202) 226-4641**  
   **Hill-Liaison@state.gov**

**<http://travel.state.gov/congress>**





# Questions?